FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition no 2080 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order	Court or Judge's Order

Mr S.P.Kadam for petitioner
Mr.P.K.Rele with S.Tayde for respondent

CORAM:V.G.PALSHIKAR AND

V.R.KINGAOKAR JJ.

DATED 29.3.2006

P.C.

. By this petition the petitioner prays for staying the departmental inquiry during the pendency of the trial in which charges are framed and according to the petitioner,the charges being almost identical, substantial prejudice would be caused to the petitioner. Reliance was placed on the judgment of the Supreme Court reported in AIR 2004 SC 4l44 - State Bank of India and ors vs. R B Sharma, where it is observed that by

giving adequate reasons such a stay can be granted but no guidelines or rules can be fixed for appropriate directions in such situation. The learned counsel on behalf of the respondents has cited another judgment of the Supreme Court where the Supreme Court held that in spite of the fact that in two identical proceedings i.e. criminal trial and departmental proceedings, departmental inquiry need not be stayed. However, since we need not go into the question whether such stay can be granted or not as this petition can be conveniently disposed of permitting the petitioner to raise objection to examine the witnesses in the departmental inquiry who are also to be examined in criminal trial pending before the appropriate court. It is needless to mention that if such objection is raised it shall be decided in accordance with law. Petition disposed of.

(V.G.PALSHIKAR J)

(V.R.KINGAOKAR J)